IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.78 OF 2006

Dhondiba Ganpat Uchale (deceased)
and Ors. .. Appellant

Versus

Ramchandra Ambadas Gore (deceased)
and Ors. .. Respondents

Mr.C.G.Gavnekar for appellants
Mr.Ghaisas for respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th August 2007.

P.C.

. Heard Mr.Gavnekar for the appellants.

Perused the concurrent judgements rendered in the suit which was instituted by the appellants being Regular Civil Suit No.46 of 1992, confirmed in Regular Civil Appeal No.649 of 2003.

2. There are concurrent findings that the suit claim cannot be accepted because the appellants failed to prove that they are in possession of the entire lands. Secondly, assuming that there was conclusion of the proceedings before the tenancy authorities in the year 1984, the suit filed in the year 1992 was clearly held to be barred by limitation.

3. Mr.Gavnekar would urge that the findings of the trial court in paras 7 and 8 clearly show that the tenancy authority’s conclusion was not held to be binding by the civil court, yet, the suit has been dismissed.

4. I am unable to accept this contention

because limited as the civil court's power is to question the conclusion of tenancy court, that too after issuance of Certificate under section 32M of the Bombay Tenancy and Agricultural Lands Act, additionally, in the present case, on the own showing of the appellants, the proceedings having been concluded in 1984 the suit instituted in the year 1992 was clearly barred by limitation. There are concurrent findings on facts with regard to this issue as well.

5. No substantial question of law arises in this second appeal and accordingly the same is dismissed.

(S.C.DHARMADHIKARI, J)